

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2019

Introduced by Assembly Members Fong and Levine
(Principal coauthor: Assembly Member Stone)
(Coauthor: Assembly Member Rendon)
(Coauthors: Assembly Members Gonzalez, Rendon, Skinner,
Wieckowski, and Williams)

February 20, 2014

An act to amend the heading of Article 16 (commencing with Section 8561) of Chapter 2 of Part 3 of Division 6 of, and to amend and repeal Sections 8568, 8568.5, 8573, 8574, 8575, and 8575.5 of, and to amend, repeal, and add Sections 8561, 8563, 8564, 8567, 8569, 8576, 8576.5, 8577, 8579, and 8582 of, and to add Sections 8561.1 and 8561.3 to, the Fish and Game Code, relating to commercial fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2019, as amended, Fong. Commercial fishing: drift gill net shark and swordfish fishery.

(1) Existing law prohibits a person from using or operating, or assisting in using or operating, a boat, aircraft, net, trap, line, or other appliance to take fish or amphibia for commercial purposes unless the person holds a commercial fishing license issued by the Department of Fish and Wildlife. Existing law prohibits the taking of shark and swordfish for commercial purposes with drift gill nets except under a valid drift gill net shark and swordfish permit issued to that person that has not been suspended or revoked and is issued to at least one person aboard the boat, except as provided. Existing law prohibits a person from taking shark and swordfish under a drift gill net permit during

certain times of the year and in certain locations. Under existing law, a violation of these provisions is a crime.

This bill *would enact the Swordfish Fishery Sustainability and Marine Wildlife Conservation Act* and would prohibit a person from using a drift gill net to take shark and swordfish for commercial purposes, except as provided. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program. The bill would recast the drift gill net shark and swordfish permit as the shark and swordfish permit and would authorize a person to take shark and swordfish under this permit using only specified methods of take, including hand-held hook and line and handthrust harpoon. The bill would eliminate ~~in the new shark and swordfish fishery provisions the time and area restrictions that existed for the use of drift gill nets for taking shark and swordfish.~~ The bill would require the department to issue a shark and swordfish permit to a person who ~~actively participated, as defined, in the drift gill net shark and swordfish fishery and who holds a valid drift gill net shark and swordfish permit as of January 31, 2015.~~ *The bill would authorize the department to issue a shark and swordfish permit to a person who did not actively participate in the drift gill net shark and swordfish fishery and who holds a valid drift gill net permit as of January 31, 2015, based on specified considerations.* The bill would make additional conforming changes. The bill would make these provisions operative on February 1, 2015.

~~This bill would require the department, through its member on the Pacific Fishery Management Council, to initiate and support an amendment to the Highly Migratory Species Fishery Management Plan to prohibit the use of drift gill nets to target shark and swordfish in the area subject to the oversight of the council.~~ *State of California, in all relevant state and federal proceedings, to support a prohibition of drift gill nets targeting shark and swordfish and to oppose the transfer of state permitting authority over the shark and swordfish fishery to the federal government.*

This bill would provide that the provisions of this act are severable.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *Swordfish Fishery Sustainability and Marine Wildlife Conservation*
3 *Act.*

4 *SEC. 2. (a) The Legislature finds and declares all of the*
5 *following:*

6 *(1) The Pacific Ocean and its rich marine living resources are*
7 *of great environmental, economic, aesthetic, recreational,*
8 *educational, scientific, nutritional, social, and historic importance*
9 *to the people of California.*

10 *(2) California's ocean-based economy is worth more than \$39*
11 *billion.*

12 *(3) California's ocean ecosystem is referred to by leading*
13 *scientists as the "Blue Serengeti of the Sea" because it is important*
14 *to large numbers of diverse resident and migratory whales,*
15 *dolphins, seals, sea lions, sea turtles, seabirds, sharks, and fish*
16 *that use this area for foraging and migration.*

17 *(4) Drift gill nets that are used in the Pacific Ocean off*
18 *California to catch swordfish and sharks entangle, injure, and*
19 *drown an unacceptably high number of iconic wildlife, including*
20 *California gray whales, humpback whales, sperm whales, minke*
21 *whales, bottlenose dolphins, Risso's dolphins, Pacific white-sided*
22 *dolphins, common dolphins, ocean sunfish, elephant seals,*
23 *California sea lions, Pacific leatherback sea turtles, and other*
24 *ocean wildlife.*

25 *(5) Animal suffering due to drift gill net entanglement is cruel*
26 *and inhumane.*

27 *(6) Bycatch in swordfish and shark drift gill nets is wasteful*
28 *and inconsistent with the protection of coastal resources of the*
29 *state.*

30 *(7) Bycatch in swordfish and shark drift gill nets includes fish*
31 *that are important to the recreational, ecological, and other*
32 *interests of the residents of California.*

33 *(8) Pacific swordfish can be legally and sustainably harvested*
34 *using fishing gears other than drift gill nets or pelagic longlines,*
35 *including hand-held hook and line and handthrust harpoon gear.*

36 *(9) Continuing to allow the use of drift gill nets creates a*
37 *disincentive for fishermen to use alternative, sustainable fishing*

1 gears and prevents innovation and experimentation to develop
2 cleaner fishing methods.

3 (10) Continued participation in unsustainable fisheries with
4 unacceptably high bycatch hurts California's reputation as a
5 source of sustainable seafood.

6 (11) Drift gill nets are currently prohibited on the high seas
7 and throughout the Mediterranean Sea by international agreement,
8 and are not permitted by Oregon or Washington because their use
9 results in unacceptably high levels of bycatch.

10 (12) Pelagic longlines have been prohibited off California's
11 coast since 1989 due to their unacceptably high bycatch of fish
12 and wildlife.

13 (13) Concerns over the sustainability of imported swordfish
14 products are appropriately addressed by enforcing existing federal
15 law, and not by allowing unsustainable fishing practices in
16 domestic waters, which is consistent with the intent of the
17 Legislature expressed in Assembly Joint Resolution 8 (Resolution
18 Chapter 94, 2009).

19 (b) It is the intent of the Legislature that:

20 (1) Drift gill nets targeting swordfish and sharks be prohibited
21 in the state and federal waters off of California.

22 (2) Pelagic longlines used to target swordfish and sharks remain
23 prohibited, including for experimental purposes.

24 (3) The State of California take all possible steps and support
25 all proposals to eliminate drift gill nets targeting swordfish and
26 sharks in all state and federal proceedings affecting the shark and
27 swordfish fisheries on the West Coast.

28 ~~SECTION 4.~~

29 SEC. 3. The heading of Article 16 (commencing with Section
30 8561) of Chapter 2 of Part 3 of Division 6 of the Fish and Game
31 Code is amended to read:

32

33 Article 16. Shark and Swordfish Fishery

34

35 ~~SEC. 2.~~

36 SEC. 4. Section 8561 of the Fish and Game Code is amended
37 to read:

38 8561. (a) Notwithstanding Section 8394, shark and swordfish
39 shall not be taken for commercial purposes with drift gill nets
40 except under a valid drift gill net shark and swordfish permit issued

1 to that person that has not been suspended or revoked and is issued
2 to at least one person aboard the boat.

3 (b) A drift gill net shark and swordfish permit shall not be
4 required for the taking of sharks with drift gill nets with a mesh
5 size smaller than eight inches in stretched mesh and twine size no.
6 18 or the equivalent of this twine size or smaller.

7 (c) This section shall become inoperative on February 1, 2015,
8 and, as of January 1, 2016, is repealed, unless a later enacted
9 statute, that becomes operative on or before January 1, 2016,
10 deletes or extends the dates on which it becomes inoperative and
11 is repealed.

12 ~~SEC. 3.~~

13 *SEC. 5.* Section 8561 is added to the Fish and Game Code, to
14 read:

15 8561. (a) A person may only take shark and swordfish for
16 commercial purposes under a permit issued pursuant to this section
17 or under another authorization granted pursuant to this code.

18 (b) The department shall issue a shark and swordfish permit to
19 a person who ~~meets the following criteria:~~ *holds a valid drift gill*
20 *net shark and swordfish permit as of January 31, 2015, that has*
21 *not been suspended or revoked.*

22 ~~(1) The person holds a valid drift gill net shark and swordfish~~
23 ~~permit as of January 31, 2015, that has not been suspended or~~
24 ~~revoked.~~

25 ~~(2) The person actively participated in the drift gill net shark~~
26 ~~and swordfish fishery.~~

27 ~~(c) (1) The department shall determine whether to issue a shark~~
28 ~~and swordfish permit to a person who meets the following criteria:~~

29 ~~(A) The person holds a valid drift gill net shark and swordfish~~
30 ~~permit as of January 31, 2015, that has not been suspended or~~
31 ~~revoked.~~

32 ~~(B) The person did not actively participate in the drift gill net~~
33 ~~shark and swordfish fishery.~~

34 ~~(2) The department shall make the determination described in~~
35 ~~paragraph (1) based on the following considerations:~~

36 ~~(A) Whether issuing the permit would result in overcapacity in~~
37 ~~the fishery.~~

38 ~~(B) Whether issuing the permit would adversely impact natural~~
39 ~~resources and wildlife.~~

1 ~~(d) For purposes of this section, the following terms have the~~
2 ~~following meanings:~~

3 ~~(1) “Actively participate” means to have held a valid drift gill~~
4 ~~net shark and swordfish permit that was not suspended or revoked~~
5 ~~and to have made landings of shark or swordfish, or both, under~~
6 ~~that permit in each year since January 1, 2010.~~

7 ~~(2) “Drift gill net shark and swordfish permit” means the permit~~
8 ~~that was authorized under former Section 8561 until January 31,~~
9 ~~2015.~~

10 ~~(e)~~

11 ~~(c) This section shall become operative on February 1, 2015.~~

12 ~~SEC. 4.~~

13 ~~SEC. 6. Section 8561.1 is added to the Fish and Game Code,~~
14 ~~to read:~~

15 ~~8561.1. (a) A person shall only take shark and swordfish under~~
16 ~~a permit issued pursuant to Section 8561 *to at least one person*~~
17 ~~*aboard the boat* in a manner that is consistent with the methods~~
18 ~~of take authorized in Section 107 of Title 14 of the California Code~~
19 ~~of Regulations, as that section read on January 1, 2014.~~

20 ~~(b) A person shall not take shark and swordfish for commercial~~
21 ~~purposes with a drift gill net of any mesh size except as provided~~
22 ~~in Section 8576.~~

23 ~~(c) A person holding a permit issued pursuant to Section 8561~~
24 ~~may take shark and swordfish using experimental gear if the person~~
25 ~~obtains a permit for the use of the experimental gear pursuant to~~
26 ~~Section 8606. Notwithstanding subdivision (b) of Section 8606,~~
27 ~~the commission shall not issue an experimental permit authorizing~~
28 ~~the use of drift gill nets, pelagic longlines, or fishing gear described~~
29 ~~in Section 9029 in the shark and swordfish fishery authorized~~
30 ~~pursuant to this article.~~

31 ~~(d) This section shall become operative on February 1, 2015.~~

32 ~~SEC. 5. Section 8561.3 is added to the Fish and Game Code,~~
33 ~~to read:~~

34 ~~8561.3. The department, through its member on the Pacific~~
35 ~~Fishery Management Council, shall initiate and support an~~
36 ~~amendment to the Highly Migratory Species Fishery Management~~
37 ~~Plan to prohibit the use of drift gill nets to target shark and~~
38 ~~swordfish in the area subject to the oversight of the Pacific Fishery~~
39 ~~Management Council.~~

1 *SEC. 7. Section 8561.3 is added to the Fish and Game Code,*
2 *to read:*

3 *8561.3. In all relevant state and federal proceedings affecting*
4 *the shark and swordfish fishery, the State of California shall do*
5 *all of the following:*

6 *(a) Support the prohibition of drift gill nets targeting swordfish*
7 *and sharks in the exclusive economic zone off of the West Coast*
8 *as of February 1, 2015.*

9 *(b) Oppose the transfer of state permitting authority over the*
10 *shark and swordfish fishery to the federal government.*

11 ~~SEC. 6.~~

12 *SEC. 8. Section 8563 of the Fish and Game Code is amended*
13 *to read:*

14 8563. (a) Except as provided in subdivision (b), the permittee
15 shall be aboard the vessel and shall be in possession of a valid drift
16 gill net shark and swordfish permit when engaged in operations
17 authorized by the permit.

18 (b) A permittee may have any person serve in his or her place
19 on the permittee's vessel and engage in fishing under his or her
20 drift gill net shark and swordfish permit for not more than 15
21 calendar days in any one year, except that a longer period may be
22 allowed in the event of serious illness. A permittee shall notify the
23 department's Long Beach office of a substitution of 15 days or
24 less per calendar year, by certified letter or telegram at least 24
25 hours prior to the commencement of the trip. Written authorization
26 for a substitution of greater than 15 days shall be obtained from
27 the director and shall be given only on the director's finding that
28 the permittee will not be available to engage in the activity due to
29 serious illness, supported by medical evidence. An application for
30 a substitution of greater than 15 days shall be made to the
31 Department of Fish and Wildlife, Headquarters Office, Sacramento,
32 and shall contain such information as the director may require.
33 Any denial of the substitution may be appealed to the commission.

34 (c) This section shall become inoperative on February 1, 2015,
35 and, as of January 1, 2016, is repealed, unless a later enacted
36 statute, that becomes operative on or before January 1, 2016,
37 deletes or extends the dates on which it becomes inoperative and
38 is repealed.

1 ~~SEC. 7.~~

2 *SEC. 9.* Section 8563 is added to the Fish and Game Code, to
3 read:

4 8563. (a) Except as provided in subdivision (b), the permittee
5 shall be aboard the vessel and shall be in possession of a valid
6 shark and swordfish permit when engaged in operations authorized
7 by the permit.

8 (b) A permittee may have any person serve in his or her place
9 on the permittee's vessel and engage in fishing under his or her
10 shark and swordfish permit for not more than 15 calendar days in
11 any one year, except that a longer period may be allowed in the
12 event of serious illness. A permittee shall notify the department's
13 Long Beach office of a substitution of 15 days or less per calendar
14 year, by certified letter or telegram at least 24 hours prior to the
15 commencement of the trip. Written authorization for a substitution
16 of greater than 15 days shall be obtained from the director and
17 shall be given only on the director's finding that the permittee will
18 not be available to engage in the activity due to serious illness,
19 supported by medical evidence. An application for a substitution
20 of greater than 15 days shall be made to the Department of Fish
21 and Wildlife, Headquarters Office, Sacramento, and shall contain
22 such information as the director may require. Any denial of the
23 substitution may be appealed to the commission.

24 (c) This section shall become operative on February 1, 2015.

25 ~~SEC. 8.~~

26 *SEC. 10.* Section 8564 of the Fish and Game Code is amended
27 to read:

28 8564. (a) When the permittee applies for a drift gill net shark
29 and swordfish permit, the permittee shall specify the vessel he or
30 she will use in operations authorized by the permit. Transfer to
31 another vessel shall be authorized by the department upon receipt
32 of a written request from the permittee, accompanied by a transfer
33 fee of one hundred thirty dollars (\$130), as follows:

34 (1) One transfer requested between February 1 and April 30
35 shall be made by the department upon request and payment of the
36 fee.

37 (2) Any transfer, except as provided in paragraph (1), shall be
38 authorized by the department only after receipt of proof of a
39 compelling reason, which shall be submitted with the request for

1 transfer, such as the sinking of the vessel specified for use in
2 operations authorized by the permit.

3 (b) This section shall become inoperative on February 1, 2015,
4 and, as of January 1, 2016, is repealed, unless a later enacted
5 statute, that becomes operative on or before January 1, 2016,
6 deletes or extends the dates on which it becomes inoperative and
7 is repealed.

8 ~~SEC. 9:~~

9 *SEC. 11.* Section 8564 is added to the Fish and Game Code,
10 to read:

11 8564. (a) When the permittee applies for a shark and swordfish
12 permit, the permittee shall specify the vessel he or she will use in
13 operations authorized by the permit. The department shall authorize
14 transfer to another vessel upon receipt of a written request from
15 the permittee, accompanied by a transfer fee of one hundred thirty
16 dollars (\$130), as follows:

17 (1) One transfer requested between February 1 and April 30
18 shall be made by the department upon request and payment of the
19 fee.

20 (2) Any transfer, except as provided in paragraph (1), shall be
21 authorized by the department only after receipt of proof of a
22 compelling reason, which shall be submitted with the request for
23 transfer, such as the sinking of the vessel specified for use in
24 operations authorized by the permit.

25 (b) This section shall become operative on February 1, 2015.

26 ~~SEC. 10:~~

27 *SEC. 12.* Section 8567 of the Fish and Game Code is amended
28 to read:

29 8567. (a) The fee for a drift gill net shark and swordfish permit
30 shall be three hundred thirty dollars (\$330).

31 (b) *The amendment to this section in the 2013–14 Regular*
32 *Session shall not reset or otherwise affect calculations pursuant*
33 *to Section 713.*

34 ~~(b)~~

35 (c) This section shall become inoperative on February 1, 2015,
36 and, as of January 1, 2016, is repealed, unless a later enacted
37 statute, that becomes operative on or before January 1, 2016,
38 deletes or extends the dates on which it becomes inoperative and
39 is repealed.

1 ~~SEC. 11.~~

2 ~~SEC. 13.~~ Section 8567 is added to the Fish and Game Code,
3 to read:

4 8567. (a) The fee for a shark and swordfish permit shall be
5 three hundred thirty dollars (\$330).

6 ***(b) The amendment to this section in the 2013–14 Regular***
7 ***Session shall not reset or otherwise affect calculations pursuant***
8 ***to Section 713.***

9 ~~(b)~~

10 (c) This section shall become operative on February 1, 2015.

11 ~~SEC. 12.~~

12 ~~SEC. 14.~~ Section 8568 of the Fish and Game Code is amended
13 to read:

14 8568. (a) Drift gill net shark and swordfish permits shall be
15 issued to any prior permittee who possesses a valid drift gill net
16 shark and swordfish permit issued pursuant to this section, but
17 only if the permittee meets both of the following requirements:

18 (1) Possesses a valid permit for the use of gill nets authorized
19 pursuant to Section 8681.

20 (2) Possessed a valid drift gill net shark and swordfish permit
21 during the preceding season and that permit was not subsequently
22 revoked.

23 (b) This section shall become inoperative on February 1, 2015,
24 and, as of January 1, 2016, is repealed, unless a later enacted
25 statute, that becomes operative on or before January 1, 2016,
26 deletes or extends the dates on which it becomes inoperative and
27 is repealed.

28 ~~SEC. 13.~~

29 ~~SEC. 15.~~ Section 8568.5 of the Fish and Game Code is amended
30 to read:

31 8568.5. (a) Any person holding a valid drift gill net shark and
32 swordfish permit on or after January 1, 2000, who did not make,
33 on or after January 1, 2000, the minimum landings required under
34 subdivision (c) of Section 8568, as amended by Section 11 of
35 Chapter 525 of the Statutes of 1998, is eligible for that permit when
36 that person meets all other qualifications for the permit.

37 (b) This section shall become inoperative on February 1, 2015,
38 and, as of January 1, 2016, is repealed, unless a later enacted
39 statute, that becomes operative on or before January 1, 2016,

1 deletes or extends the dates on which it becomes inoperative and
2 is repealed.

3 ~~SEC. 14.~~

4 *SEC. 16.* Section 8569 of the Fish and Game Code is amended
5 to read:

6 8569. (a) The commission may establish conditions for the
7 issuance of a permit if the person's drift gill net shark and
8 swordfish permit was revoked during a preceding season or if the
9 person possessed a valid permit during the preceding season but
10 did not apply for renewal of his or her permit on or before April
11 30. The applicant for a permit under this section may appeal to the
12 director for the issuance of the permit under those conditions.

13 (b) This section shall become inoperative on February 1, 2015,
14 and, as of January 1, 2016, is repealed, unless a later enacted
15 statute, that becomes operative on or before January 1, 2016,
16 deletes or extends the dates on which it becomes inoperative and
17 is repealed.

18 ~~SEC. 15.~~

19 *SEC. 17.* Section 8569 is added to the Fish and Game Code,
20 to read:

21 8569. (a) The commission may establish conditions for the
22 issuance of a permit if the person's shark and swordfish permit
23 was revoked during a preceding season or if the person possessed
24 a valid permit during the preceding season but did not apply for
25 renewal of his or her permit on or before April 30. The applicant
26 for a permit under this section may appeal to the director for the
27 issuance of the permit under those conditions.

28 (b) This section shall become operative on February 1, 2015.

29 ~~SEC. 16.~~

30 *SEC. 18.* Section 8573 of the Fish and Game Code is amended
31 to read:

32 8573. (a) Drift gill nets may be used to take shark and
33 swordfish under the permit provided in this article, subject to
34 Section 8610.3 and all of the following restrictions:

35 (1) From June 1 to November 15, inclusive, shark or swordfish
36 gill nets shall not be in the water from two hours after sunrise to
37 two hours before sunset east of a line described as follows:

38 From a point beginning at Las Pitas Point to San Pedro Point on
39 Santa Cruz Island, thence to Gull Island Light, thence to the
40 northeast extremity of San Nicolas Island, thence along the high

1 water mark on the west side of San Nicolas Island to the southeast
2 extremity of San Nicolas Island, thence to the northwest extremity
3 of San Clemente Island, thence along the high water mark on the
4 west side of San Clemente Island to the southeast extremity of San
5 Clemente Island, thence along a line running 150° true from the
6 southeast extremity of San Clemente Island to the westerly
7 extension of the boundary line between the Republic of Mexico
8 and San Diego County.

9 (2) (A) The total maximum length of a shark or swordfish gill
10 net on the net reel on a vessel, on the deck of the vessel, and in the
11 water at any time shall not exceed 6,000 feet in float line length.
12 The float line length shall be determined by measuring the float
13 line, as tied, of all the net panels, combined with any other netted
14 lines. The existence of holes, tears, or gaps in the net shall have
15 no bearing on the measurement of the float line. The float line of
16 any net panels with holes, tears, or gaps shall be included in the
17 total float line measurement.

18 (B) Any shark or swordfish gill net on the reel shall have the
19 float lines of the adjacent panels tied together, the lead lines of the
20 adjacent panels tied together, and the web of the adjacent panels
21 laced together. No quick disconnect device may be used unless
22 the total maximum length of all shark and swordfish gill nets,
23 including all spare gill nets or net panels on the vessel and all gill
24 nets or net panels on the net reels on the vessel, on the deck of the
25 vessel, stored aboard the vessel, and in the water, does not exceed
26 6,000 feet in float line length as determined under subparagraph
27 (A).

28 (C) Spare shark or swordfish gill net aboard the vessel shall not
29 exceed 250 fathoms (1,500 feet) in total length, and the spare net
30 shall be in separated panels not to exceed 100 fathoms (600 feet)
31 in float line length for each panel, with the float lines and leadlines
32 attached to each panel separately gathered and tied, and the spare
33 net panels stowed in lockers, wells, or other storage space.

34 (D) If a torn panel is replaced in a working shark or swordfish
35 gill net, the torn panel shall be removed from the working net
36 before the replacement panel is attached to the working net.

37 (3) Any end of a shark or swordfish gill net not attached to the
38 permittee's vessel shall be marked by a pole with a radar reflector.
39 The reflector shall be at least six feet above the surface of the ocean
40 and not less than 10 inches in any dimension except thickness. The

1 permittee's permit number shall be permanently affixed to at least
2 one buoy or float that is attached to the radar reflector staff. The
3 permit number shall be at least one and one-half inches in height
4 and all markings shall be at least one-quarter inch in width.

5 (b) For the purposes of this article, "shark or swordfish gill net"
6 means a drift gill net of 14-inch or greater mesh size.

7 (c) This section shall become inoperative on February 1, 2015,
8 and, as of January 1, 2016, is repealed, unless a later enacted
9 statute, that becomes operative on or before January 1, 2016,
10 deletes or extends the dates on which it becomes inoperative and
11 is repealed.

12 ~~SEC. 17.~~

13 *SEC. 19.* Section 8574 of the Fish and Game Code is amended
14 to read:

15 8574. (a) Drift gill nets with mesh size less than 14 inches in
16 stretched mesh shall not be used to take shark and swordfish by
17 permittees operating under a drift gill net shark and swordfish
18 permit, and the permittee shall not have aboard the vessel or in the
19 water a drift gill net with mesh size less than 14 inches and more
20 than 8 inches in stretched mesh.

21 (b) No permittee shall deploy a drift gill net of less than 14-inch
22 mesh size at the time that the permittee has a shark or swordfish
23 gill net deployed.

24 (c) This section shall become inoperative on February 1, 2015,
25 and, as of January 1, 2016, is repealed, unless a later enacted
26 statute, that becomes operative on or before January 1, 2016,
27 deletes or extends the dates on which it becomes inoperative and
28 is repealed.

29 ~~SEC. 18.~~

30 *SEC. 20.* Section 8575 of the Fish and Game Code is amended
31 to read:

32 8575. (a) Drift gill nets used to take shark and swordfish under
33 the permit provided in this article shall not be used under the
34 following circumstances:

35 (1) From May 1 through July 31, within six nautical miles
36 westerly, northerly, and easterly of the shoreline of San Miguel
37 Island between a line extending six nautical miles west
38 magnetically from Point Bennett and a line extending six nautical
39 miles east magnetically from Cardwell Point and within six nautical
40 miles westerly, northerly, and easterly of the shoreline of Santa

1 Rosa Island between a line extending six nautical miles west
2 magnetically from Sandy Point and a line extending six nautical
3 miles east magnetically from Skunk Point.

4 (2) From May 1 through July 31, within 10 nautical miles
5 westerly, southerly, and easterly of the shoreline of San Miguel
6 Island between a line extending 10 nautical miles west magnetically
7 from Point Bennett and a line extending 10 nautical miles east
8 magnetically from Cardwell Point and within 10 nautical miles
9 westerly, southerly, and easterly of the shoreline of Santa Rosa
10 Island between a line extending 10 nautical miles west magnetically
11 from Sandy Point and a line extending 10 nautical miles east
12 magnetically from Skunk Point.

13 (3) From May 1 through July 31, within a radius of 10 nautical
14 miles of the west end of San Nicolas Island.

15 (4) From August 15 through September 30, in ocean waters
16 bounded as follows: beginning at Dana Point, Orange County, in
17 a direct line to Church Rock, Catalina Island; thence in a direct
18 line to Point La Jolla, San Diego County; and thence northwesterly
19 along the mainland shore to Dana Point.

20 (5) From August 15 through September 30, in ocean waters
21 within six nautical miles of the coastline on the northerly and
22 easterly side of San Clemente Island, lying between a line
23 extending six nautical miles west magnetically from the extreme
24 northerly end of San Clemente Island to a line extending six
25 nautical miles east magnetically from Pyramid Head.

26 (6) From December 15 through January 31, in ocean waters
27 within 25 nautical miles of the mainland coastline.

28 (b) This section shall become inoperative on February 1, 2015,
29 and, as of January 1, 2016, is repealed, unless a later enacted
30 statute, that becomes operative on or before January 1, 2016,
31 deletes or extends the dates on which it becomes inoperative and
32 is repealed.

33 ~~SEC. 19.~~

34 *SEC. 21.* Section 8575.5 of the Fish and Game Code is amended
35 to read:

36 8575.5. (a) Drift gill nets used to take shark and swordfish
37 under the permit provided in this article shall not be used in the
38 following areas:

1 (1) Within 12 nautical miles from the nearest point on the
2 mainland shore north of a line extending due west from Point
3 Arguello.

4 (2) East of a line running from Point Reyes to Noonday Rock
5 to the westernmost point of Southeast Farallon Island to Pillar
6 Point.

7 (b) This section shall become inoperative on February 1, 2015,
8 and, as of January 1, 2016, is repealed, unless a later enacted
9 statute, that becomes operative on or before January 1, 2016,
10 deletes or extends the dates on which it becomes inoperative and
11 is repealed.

12 ~~SEC. 20.~~

13 *SEC. 22.* Section 8576 of the Fish and Game Code is amended
14 to read:

15 8576. (a) Drift gill nets shall not be used to take shark or
16 swordfish from February 1 to April 30, inclusive.

17 (b) Drift gill nets shall not be used to take shark or swordfish
18 in ocean waters within 75 nautical miles from the mainland
19 coastline between the westerly extension of the California-Oregon
20 boundary line and the westerly extension of the United
21 States-Republic of Mexico boundary line from May 1 to August
22 14, inclusive.

23 (c) Subdivisions (a) and (b) apply to any drift gill net used
24 pursuant to a permit issued under Section 8561 or 8681, except
25 that drift gill nets with a mesh size smaller than eight inches in
26 stretched mesh and twine size number 18, or the equivalent of this
27 twine size, or smaller, used pursuant to a permit issued under
28 Section 8681, may be used to take species of sharks other than
29 thresher shark, shortfin mako shark, and white shark during the
30 periods specified in subdivisions (a) and (b). However, during the
31 periods of time specified in subdivisions (a) and (b), not more than
32 two thresher sharks and two shortfin mako sharks may be possessed
33 and sold if taken incidentally in drift gill nets while fishing for
34 barracuda or white seabass and if at least 10 barracuda or five
35 white seabass are possessed and landed at the same time as the
36 incidentally taken thresher or shortfin mako shark. No thresher
37 shark or shortfin mako shark taken pursuant to this subdivision
38 shall be transferred to another vessel before landing the fish. Any
39 vessel possessing thresher or shortfin mako sharks pursuant to this
40 section shall not have any gill or trammel net aboard that is

1 constructed with a mesh size greater than eight inches in stretched
2 mesh and twine size greater than number 18, or the equivalent of
3 a twine size greater than number 18.

4 (d) Notwithstanding the closure from May 1 to August 14,
5 inclusive, provided by subdivision (b), a permittee may land
6 swordfish or thresher shark taken in ocean waters more than 75
7 nautical miles from the mainland coastline in that period if, for
8 each landing during that closed period, the permittee signs a written
9 declaration under penalty of perjury that the fish landed were taken
10 more than 75 nautical miles from the mainland coastline. The
11 declaration shall be completed and signed before arrival at any
12 port in this state. Within 72 hours of the time of arrival, the
13 permittee shall deliver the declaration to the department.

14 (e) If any person is convicted of falsely swearing a declaration
15 under subdivision (d), in addition to any other penalty prescribed
16 by law, the following penalties shall be imposed:

17 (1) The fish landed shall be forfeited, or, if sold, the proceeds
18 from the sale shall be forfeited, pursuant to Sections 12159, 12160,
19 12161, and 12162.

20 (2) All shark or swordfish gill nets possessed by the permittee
21 shall be seized and forfeited pursuant to Section 8630 or 12157.

22 (f) From August 15 of the year of issue to January 31, inclusive,
23 of the following year, swordfish may be taken under a permit
24 issued pursuant to this article.

25 (g) This section shall become inoperative on February 1, 2015,
26 and, as of January 1, 2016, is repealed, unless a later enacted
27 statute, that becomes operative on or before January 1, 2016,
28 deletes or extends the dates on which it becomes inoperative and
29 is repealed.

30 ~~SEC. 21.~~

31 *SEC. 23.* Section 8576 is added to the Fish and Game Code,
32 to read:

33 8576. (a) A drift gill net with a mesh size smaller than eight
34 inches in stretched mesh and twine size number 18, or the
35 equivalent of this twine size, or smaller, used pursuant to a permit
36 issued under Section 8681, may be used to take species of sharks
37 other than thresher shark, shortfin mako shark, and white shark
38 during the periods of time from February 1 to April 30, inclusive,
39 and from May 1 to August 14, inclusive. However, during these
40 periods of time, not more than two thresher sharks and two shortfin

1 mako sharks may be possessed and sold if taken incidentally in
2 drift gill nets while fishing for barracuda or white seabass and if
3 at least 10 barracuda or five white seabass are possessed and landed
4 at the same time as the incidentally taken thresher or shortfin mako
5 shark. A thresher shark or shortfin mako shark taken pursuant to
6 this subdivision shall not be transferred to another vessel before
7 landing the fish. Any vessel possessing thresher or shortfin mako
8 sharks pursuant to this section shall not have any gill or trammel
9 net aboard that is constructed with a mesh size greater than eight
10 inches in stretched mesh and twine size greater than number 18,
11 or the equivalent of a twine size greater than number 18.

12 (b) A shark and swordfish permit issued pursuant to Section
13 8561 shall not be required for the taking of sharks pursuant to
14 subdivision (a).

15 (c) This section shall become operative on February 1, 2015.

16 ~~SEC. 22.~~

17 *SEC. 24.* Section 8576.5 of the Fish and Game Code is amended
18 to read:

19 8576.5. (a) Thresher shark taken with drift gill nets shall not
20 have the pelvic fin severed from the carcass until after the shark
21 is brought ashore.

22 (b) This section shall become inoperative on February 1, 2015,
23 and, as of January 1, 2016, is repealed, unless a later enacted
24 statute, that becomes operative on or before January 1, 2016,
25 deletes or extends the dates on which it becomes inoperative and
26 is repealed.

27 ~~SEC. 23.~~

28 *SEC. 25.* Section 8576.5 is added to the Fish and Game Code,
29 to read:

30 8576.5. (a) Thresher shark taken with gear authorized pursuant
31 to Section 8561.1 or taken incidentally with a drift gill net under
32 a permit issued pursuant to Section 8681 shall not have the pelvic
33 fin severed from the carcass until after the shark is brought ashore.

34 (b) This section shall become operative on February 1, 2015.

35 ~~SEC. 24.~~

36 *SEC. 26.* Section 8577 of the Fish and Game Code is amended
37 to read:

38 8577. (a) Notwithstanding Section 8394, the director may
39 close the drift gill net shark and swordfish fishery, the swordfish
40 harpoon fishery, or any area where either or both fisheries are

1 conducted, if, after a public hearing, the director determines the
2 action is necessary to protect the swordfish or thresher shark and
3 bonito (mako) shark resources.

4 (b) The director shall reopen a fishery or any fishing areas
5 previously closed pursuant to this section if the director determines
6 that the conditions which necessitated the closure no longer exist.

7 (c) This section shall become inoperative on February 1, 2015,
8 and, as of January 1, 2016, is repealed, unless a later enacted
9 statute, that becomes operative on or before January 1, 2016,
10 deletes or extends the dates on which it becomes inoperative and
11 is repealed.

12 ~~SEC. 25.~~

13 *SEC. 27.* Section 8577 is added to the Fish and Game Code,
14 to read:

15 8577. (a) Notwithstanding Section 8394, the director may
16 close the shark and swordfish fishery, the swordfish harpoon
17 fishery authorized pursuant to Section 8394, or any area where
18 either or both fisheries are conducted, if, after a public hearing,
19 the director determines the action is necessary to protect the
20 swordfish or thresher shark and bonito (mako) shark resources.

21 (b) The director shall reopen a fishery or any fishing areas
22 previously closed pursuant to this section if the director determines
23 that the conditions that necessitated the closure no longer exist.

24 (c) This section shall become operative on February 1, 2015.

25 ~~SEC. 26.~~

26 *SEC. 28.* Section 8579 of the Fish and Game Code is amended
27 to read:

28 8579. (a) A permittee shall be subject to the provisions of this
29 article whenever the permittee is using a drift gill net, unless the
30 permittee has surrendered his or her permit to the department. A
31 permittee may surrender his or her permit by notifying the
32 department's Long Beach office of his or her intentions by telegram
33 or certified letter and by sending or delivering his or her permit to
34 a department office. A permittee may reclaim his or her permit at
35 any time during regular working hours, if the permit has not been
36 suspended or revoked.

37 (b) This section shall become inoperative on February 1, 2015,
38 and, as of January 1, 2016, is repealed, unless a later enacted
39 statute, that becomes operative on or before January 1, 2016,

1 deletes or extends the dates on which it becomes inoperative and
2 is repealed.

3 ~~SEC. 27.~~

4 *SEC. 29.* Section 8579 is added to the Fish and Game Code,
5 to read:

6 8579. (a) A permittee shall be subject to the provisions of this
7 article whenever the permittee is using a gear authorized pursuant
8 to Section 8561.1, unless the permittee has surrendered his or her
9 permit to the department. A permittee may surrender his or her
10 permit by notifying the department's Long Beach office of his or
11 her intentions by telegram or certified letter and by sending or
12 delivering his or her permit to a department office. A permittee
13 may reclaim his or her permit at any time during regular working
14 hours, if the permit has not been suspended or revoked.

15 (b) This section shall become operative on February 1, 2015.

16 ~~SEC. 28.~~

17 *SEC. 30.* Section 8582 of the Fish and Game Code is amended
18 to read:

19 8582. (a) The Legislature finds and declares that the intent of
20 this article is not to permit or encourage the taking of marlin for
21 commercial purposes.

22 (b) It shall be a misdemeanor for any person operating under a
23 permit pursuant to this article to sell or possess for sale or personal
24 use any marlin. In the event a marlin is taken incidentally in a drift
25 gill net, the permittee shall notify the department immediately that
26 the fish is on the boat. No marlin may be removed from the boat
27 except for delivery to the department.

28 (c) This section shall become inoperative on February 1, 2015,
29 and, as of January 1, 2016, is repealed, unless a later enacted
30 statute, that becomes operative on or before January 1, 2016,
31 deletes or extends the dates on which it becomes inoperative and
32 is repealed.

33 ~~SEC. 29.~~

34 *SEC. 31.* Section 8582 is added to the Fish and Game Code,
35 to read:

36 8582. (a) The Legislature finds and declares that the intent of
37 this article is not to permit or encourage the taking of marlin for
38 commercial purposes.

39 (b) It shall be a misdemeanor for a person operating under a
40 permit issued pursuant to this article to sell or possess for sale or

1 personal use any marlin. In the event a marlin is taken incidentally
2 with gear authorized pursuant to this article, the permittee shall
3 notify the department immediately that the fish is on the boat. A
4 marlin shall not be removed from the boat except for delivery to
5 the department.

6 (c) This section shall become operative on February 1, 2015.

7 ~~SEC. 30.~~

8 *SEC. 32.* The provisions of this act are severable. If any
9 provision of this act or its application is held invalid, that invalidity
10 shall not affect other provisions or applications that can be given
11 effect without the invalid provision or application.

12 ~~SEC. 31.~~

13 *SEC. 33.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.